IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

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WRIT PETITION NO.21292 of 2004

Between:

M.A.Baseer Shaik, S/o.Shaik Madar,
R.O.H.NO.1-7-12, Old Garden, T.D.Gutta, Locality, Mahaboobnagar District.

..... PETITIONER

AND

1 The Govt. of A.P., rep. by its Principal Secretary to Govt., Revenue

Department, Secretariat, Saidabad, Hyderabad.
2 The Joint Secretary to Govt. Regn(II), Department, Govt. of

A.P., Hyderabad.
3 The Commissioner and Inspector General of Registration & Stamps,

A.P., Hyderabad.
4 The Dist. Registrar of Mahaboobnagar District, office at

Mahaboobnagar.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring action of the 1st and 2nd respondents in rejecting the application of the petitioner for renewal of certificate of practice as Notary at Mahaboobnagar town by

issuing the impugned Lr.No.NR.20443 of 2003 dated 21-8-2004 as issued by the 3rd respondent and further being aggrieved by the action of respondent and further being aggrieved by the action of the respondent in not communicating the Government dated 25-6-2004 as referred in the above impugned letter, as illegal, unlawful, arbitrary and against principles of natural justice and consequently direct the respondents to renew the original certificate of practice in favour of the petitioner for Mahaboobnagar town area so as to enable the petitioner to function as Notary up to the year 2008 by duly considering the recommendation made by the 4th respondent.

Counsel for the Petitioner: MR.M.DAMODAR REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

Questioning the impugned order vide Lr. No. NR/20443/03, dated 21.08.2004 of the 3rd respondent-Commissioner and Inspector General of Registration and Stamps rejecting the application of the petitioner for renewal of certificate of practice as Notary, the present writ petition is filed.

The case of the petitioner, in brief, is that he is a practicing Advocate at Mahaboobnagar and he applied to the Government seeking appointment as Notary for the areas of Mahaboobnagar and Gadwal. It is stated that after completing all the

formalities, the Government issued a certificate vide G.O.Ms.No.339, Revenue Regn.(II) Department, dated 28.04.1997 appointing him as Notary only for the Mahaboobnagar Town area. It is stated that the term of the petitioner as Notary was expired by 26.04.2000 and thereafter due to his personal reasons he left for United States of America (U.S.A) after submitting representation to the 2nd respondent on 10.07.2000 seeking suspension of his certificate of practice as Notary. The grievance of the petitioner is that after his return from U.S.A, he made representations on 21.02.2003 and on 09.04.2003 with requisite fees to the 3rd respondent seeking renewal of his notary certificate up to the year 2008. But the 3rd respondent without considering his request passed the order, impugned herein, rejecting his application for renewal of certificate of practice as Notary. Hence, the writ petition.

Heard the learned counsel for the petitioner and learned Government Pleader for Revenue.

A perusal of the averments made in the affidavit of the petitioner filed in support of the petition clearly shows that the term of the petitioner as Notary already expired as far back as on 26.04.2000. Once the term itself has expired, there is no question of renewal of his Notary certificate after long gap of about four years. Therefore, the 3rd respondent has rightly rejected the application of the petitioner for renewal of his Notary certificate, which expired on 26.04.2000. In the circumstances, I see no illegality or irregularity in the impugned order passed by the 3rd respondent warranting interference of this Court. If the petitioner intends to obtain Notary certificate, the only remedy available to him is to file a fresh application in accordance with law. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly the writ petition is dismissed at the stage of admission. However, the petitioner is at liberty to file a fresh application before the authorities concerned seeking appointment as Notary and on such application the same may be considered in accordance with law and pass appropriate orders. No costs.

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(N.V. RAMANA, J)

Date: 06.12.2004

Nsr/Ksr

To

1 The Govt. of A.P., rep. by its Principal Secretary to Govt., Revenue

Department, Secretariat, Saidabad, Hyderabad.
2 The Joint Secretary to Govt. Regn(II), Department, Govt. of

A.P.Hyderabad.
3 The Commissioner and Inspector General of Registration & Stamps,

A.P.Hyderabad.
4 The Dist. Registrar of Mahaboobnagar District, office at

Mahaboobnagar.

5 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

6 Two CD copies.